

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS

MARSHALL DIVISION

MICHAEL PAUL HENDRIX, #2017650 §

VS. § CIVIL ACTION NO. 2:20-cv-009

DIRECTOR, TDCJ-CID §

ORDER OF DISMISSAL

Petitioner Michael Paul Hendrix, a prisoner confined at the Beto Unit within the Texas Department of Criminal Justice (TDCJ) proceeding *pro se*, filed this petition for a writ of habeas corpus pursuant to § 2254 challenging his Cass County, Texas, conviction. The petition was referred to United States Magistrate Judge Roy S. Payne for findings of fact, conclusions of law, and recommendations for the disposition of the case.

On January 11, 2023, Judge Payne issued a Report, (Dkt. #25), recommending that Petitioner's habeas petition be denied and that the case be dismissed with prejudice. Judge Payne further recommended that Petitioner be denied a certificate of appealability *sua sponte*. A copy of this Report was sent to Petitioner at his address, with an acknowledgment card. Petitioner filed timely objections, (Dkt. #26).

Petitioner's objections are without merit. He does not respond to the substance of the Report—and instead merely relitigates his underlying petition. *See Nettles v. Wainwright*, 677 F.2d 404, 410 n.8 (5th Cir. 1982) (en banc), *overruled on other grounds by Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Petitioner identifies no error within the Magistrate Judge's Report.


The Court has conducted a careful *de novo* review of the record and the Magistrate Judge's proposed findings and recommendations. *See* 28 U.S.C. §636(b)(1) (District Judge shall "make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made."). Upon such *de novo* review, the Court has determined that the Report of the United States Magistrate Judge is correct, and Petitioner's objections are without merit. Accordingly, it is

**ORDERED** that the Report and Recommendation of the United States Magistrate Judge, (Dkt. #25), is **ADOPTED** as the opinion of the Court. Petitioner's objections, (Dkt. #26), are **OVERRULED**. It is also

**ORDERED** that Petitioner's habeas petition is **DENIED** and the above-styled civil action is **DISMISSED WITH PREJUDICE**. Petitioner is further **DENIED** a certificate of appealability *sua sponte*. Finally, it is

**ORDERED** that any and all motions which may be pending in this civil action are **DENIED**.

**So ORDERED and SIGNED this 10th day of February, 2023.**

  
\_\_\_\_\_  
RODNEY GILSTRAP  
UNITED STATES DISTRICT JUDGE